مديرية التربصات



بعنوان: قواعد الإثبات الجنائي ومدى تطبيقها على جريمتي الزنا و السياقة في حالة سكر

(12)

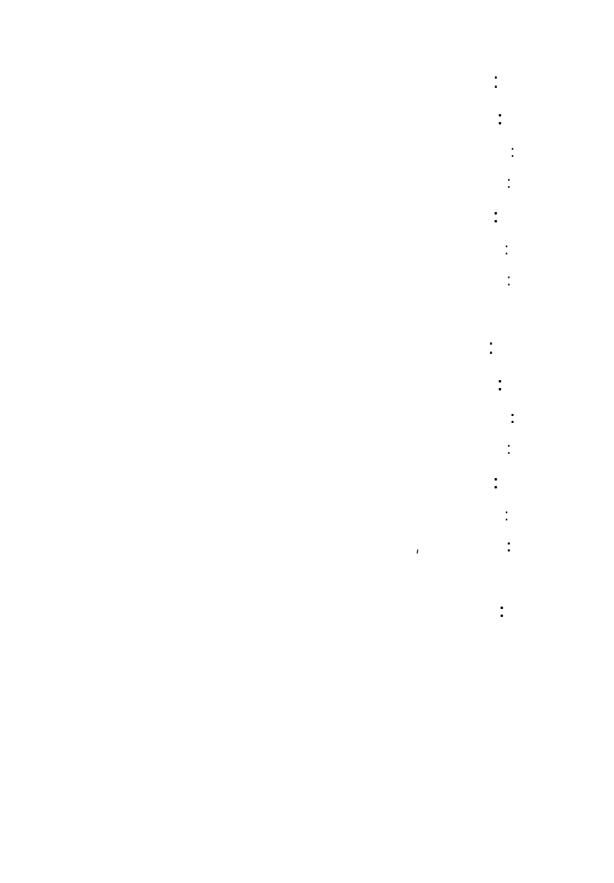
<u>2004 - 2001</u>

•

ı

,

· :



,238 212

.. 212

المطلب الأول: ماهية الاثبات الجنائي

.

: :

· (1) ...

:_____

.21 . (1)

| | | | | <u>-</u> | | • |
|---|-----|------|------|----------|--------|-------|
| | | | | | | /1 |
| • | | | | | | |
| ı | | | ı | | | /2 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | 1 | | | | | /3 |
| | | | | | | |
| | | | | | | |
| | | 4.5 | | | | |
| | | .(1) | | | | |
| | | | | «MIHER | MAIES» | |
| | | | | | | .(2) |
| | | | | | | . (2) |
| : | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | . (3) | | |
| | | | | | | |
| | | 6 | 4) | | | |
| | | | 4) | | | |
| | | (5) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | • |
| | | : | | | | |
| | | | | | | _ |
| | | | | | | _ |
| | | | | | | • |
| 1 | | | | | | _ |
| • | | | | | | |
| • | | | | | | |
| | | | | | | _ |
| | | | | | | |
| | | _ | | | | |
| | | | | | | |
| | .09 | | | | | . (1) |
| | | | | .37 | | . (2) |
| | | | .167 | | | . (3) |
| | | | .65 | | | . (4) |
| | | | | .168 | | . (5) |
| | | | | | | |

.(1) ...

.(2) ...

.(3) ...

. (1)

.66

.433

.173-168 . (3)

.(1) ...

المطلب الثاني: أدلة الإثبات الجنائي

.

.(2) ...

.(3) ...

: ... 235 213

· :

.39 . (1)

. (2) (3) .73 .(1) 213 1980/12/02 .(2) ... 213 1975/04/24 .(3) ...

.198

| | 17 | .70 | | . (1) |
|----------|------|-----|---|------------|
| | .17 | .18 | | (2) (3) |
| | | | | |
| | | | | : |
| | | | | |
| | ı | | | |
| | | ı | | , |
| | | ı | | · |
| | . (1 | | | , |
| <u>:</u> | | | | |
| | | | | |
| | | | | , |
| | | · | | |
| | | · | | |
| | | | | |
| | .(2) | | | |
| ı | | | | |
| 217 | | ı | | »: |
| | ı | | | " . |
| | | | | |
| | | | • | / |
| | | | - | <u> </u> |
| | ı | | | ı |

.(3) ...

(1) .276 (2) .389 .380 (3) .. 214 <u>-1</u> . 218 1983/03/01 .(1) ... 27863 1996/12/03 .(2) ... -2

. 400 216

.75 (1) .235 (2)

1988/04/05

.(1) ...

•

<u>: -3</u> .. 215

•

(2) ...

, 143

.156 143 .156 143 .74 (1) 206 . (2)

... 143

<u>: -</u>

,

1993/07/07

· (1)

. . . 155

.(3) ...
.(3) ...
.71 ...
.74 ...(2)
...
.74 ...(2)
...
.71 ...(3)

1984/05/15

.(1) ...

<u>:(</u>) :

220

439

| ı | 196 | 22 8/10/22 | 226 27 93 |
|----|-------|---------------|-----------------|
| 16 | . (2) | 228 | |
| | 19 | | (1) . (2) |

1987/04/07 ... 229

(1) ...

,

1986/05/13

.(2) ...

1983/11/08

.(3) ...

____:

....

, 07

.92 . (1) .92 . (2)

.243

.117 (4)

,

1/412-411) 10 (. .

.(.. 2/412)

1988/04/05

221 - 220 1982/05/23

.⁽¹⁾ ...

(2) ...

.

... 235

.19 (1) .450 (2)

.104 (3)

1

· (1) ...

235

, ... 212

•

:

,

المطلب الأول: أصـــل الـبراءة

, 96 45

.(2) ...

.159 (1)

.223 . (2)

. /1

/1 /2 /3 .

.⁽¹⁾ ... 1985/10/25

,

.(2) ...

,

.(3)...

.20 (1) .40 . (2)

.79

71886 1994/06/26

1

.(1)

.

-,

,

. «BONNIER»

. (2) ... (3)

....

.259 95 (1)

328.329 . (2)

.217 . (3)

____:

.

· (1) ...

•

. 87

.. 218 254 **»**: ≪... .. 216 ≪... .(1) ... <u>/2</u>) 281 .(331

.217

. (1)

ı

.(2) ...

.273 – 272 . (1)

.275 . (2)

... » . . 374

«

» 1998/12/14

.⁽¹⁾«...

1999/07/26

. 374 .⁽²⁾ ...

. (3) ...

المطلب الثاني: مبدئي حرية الإثبات وحرية القاضي في تكوين عقيدته

()

.

, 1791 , 1808

, 1000

.151 . (1)

.74 1999 (2)

. «

.437 (3)

... » : ... 212

· (1) ...

(Robert)

,

ı

. (3) ...

•

.512 . (1)

.621 . (2) 441 (3)

1984/12/18

.(1) ...

. (2)...

.(3) ...

1981/03/05

.(4) ...

| _ | | |
|-----|------|-----|
| .16 | | (1) |
| | .169 | (2) |
| | .442 | (3) |

(3)(4) .16

/1

.(1) ...

/2 , .. 212

1994/06/26

,((2)..71886

/3

/4

. (3)

ı

. (4)

.102 (1) .259 1995 (2)

.73 2 (3)

.646 – 645

1966/05/31

. (1) .

ı

.

_____:

212

(1)

.119

. (1)

-1

-2

-3

. (2)

,

.15-14 . (1)

.327 (2)

: -

_

(1)

.(2)

..» 212

.«..

.74 (1) .459 . (2)

.459 . (2)

: :

.

339

•

.(2)

.52 (1)

.75 (2)

. 339

المطلب الأول: إثبات الرابطة الزوجية

1986/05/13

· (1)

49

.134 (1)

50

.

1987/02/24

· (1)

.. » 68

...

·
·
·

·

.133 (1)

, (1)

339

. 1982/11/09

(2)

))

(

•

: :

.

.55 (1)

.135 (2)

.(1)

,

· (2)

المطلب الثاني: إثبات فعل الوطء غير المشروع

. (3)

339 341

.131 . (2)

.16 . (3)

341

339

341 1989/07/02) (.⁽²⁾... 59100

_____:

(Officier de police judiciaire)

15

13

.99 . (1) .1991 (2)

.133 . (3)

41 ,

,

. (1)

341

. . .

. (2)

· _____

. (3)

. (4)

. (1) .134 .464-463 . (2) . (3) .64 .133 (4) (1) 1984/03/20 .(2)

(3)

341

. (4)

. (5)

.102 . (1)
.21 . (2)
.465 . (3)
.104 . (4)
.134 . (5)

..

1986/12/30

ı

. (1)

:

· (3)

. (4)

.20 (1)
.144 (2)
467 . (3)

134 . (4)

· (1)

1984/06/12

1987/07/14 ,47004

. 339

341

.(3) 1980/12/16

.20 (1) .275 1990 , (2)

.75 (3) 434 (4)

.

, 341

.(1) 213

341

59100 1989/07/02

.⁽²⁾
" 69957 1990/10/21

.(3)

.⁽⁴⁾ 339

. (1) .244 1991 (2)

.244 1991 (2) .205 1993 (3)

.20 (4)

341

(

1979/03/24

,1969/03/29

· (1)

.469 . (1)

: *

()

<u>:</u>

() 03/776 2003/03/12

:

(

)

(3)

.

(... 22)

. 341

.135 (1)

1980/12/16

(1)

210717 2000/11/22

.(2)

,

1962/02/31 157/62 , 2001/08/19 14/01

. 67

5000 50.000

. / 0.10

.75 (1)

.263 (2)

) , (1)

25 14/01

, 1987/02/10

/ 0.80 .(2)

, 1969/03/25

.

المطلب الأول: المعاينة وحجية المحاضر المحررة في هذا الشأ

ı

.(19 -) (1)

.86 . (2)

.209 (3)

14/01 130 / 1 / 2 / 3 19 / ((

. 20

68 . 14/01

:

/ 0.10

1

(

المطلب الثاني: التقرير الطبي الاستشفائي والبيولوجي

,

. 21

20-19

:
/1
/2
/3

(1)

, 03

,

(2)

(-)

,

. 15 10 , ,

,(5

.(3)

. (1) .512 . (2) .342 - 341 (3) (12) /(Dans un tube sec) , 1987/02/10 19/87 25 25 , 1995/05/21 2000/01/18 . (1)

,

. 87 , , . (1)

/ 0,10

, / 0,30

, / 0,10 ," une salade bien vinaigré . (1)

:

, (Méthode chimique)

(Chromatographique)

, (plus spécifique)

(2)

بخصوص السياقة تحت تأثير مواد أو أعشاب مخدرة

/

, 2/67 , 14/01

.

(12) (1)

. 2004/04/13 " " (2)

, n n

(

,(

.

, / 0,10

(1)

. 137

,

) , (1) .(

ı.

, 1981/11/12

. 1981/02/19

(1) 30785 , 1984/10/09

(2)

,

) 02/2453 ,(. , 2002/11/24 1981/02/19 .(3).... 22 (1) (2) 348 , 1989 . (3) . 93

ı

1

;

, (1 , / 0,10

. / 0,30

, (2

(3

•



قائمـــة المراجع:

| | | | : | :_ |
|--------|--------|------|---|----------|
| | ı | ı | | -(1 |
| 2002 , | ı | | | -(2 |
| 2002 | ı | , | | (2 |
| 2002 | | ı | | -(3 |
| 2002 | r | , | , | -(4 |
| 1993 | | | ı | |
| , | .999 , | ı | | -(5 |
| ı | · | · | ı | -(6 |
| | 1999 – | _ | | , -(7 |
| r | ı | 2002 | 1 | -(/ |
| ı | 2001 | | ı | -(8 |
| ı | 2001- | _ | | -(9 |
| 1992 | , | | | |
| ı | 1993 | ı | | (10 |
| r | 1995 | ı | ı | - (11 |
| | | 1982 | , | /11 |
| ı | 1996 | 1 | , | -(11 |
| | | 1 | | -(12 |
| | | 1991 | | |

```
-(13
         1987
                                           -(13
.2003
                                           -(14
1989
                                           -(15
                 1984
                                           -(16
                                 1994
                                           -(17
.1990
            , 1987/02/10
                                  09-87
           ,2001/08/19
                                14-01
    2002
        2002
     1999
      1995
      1993
     1991
       1990
                               .00
```

| | | .1998 |
|--|-----|-------|
| | | : |
| | .10 | , |
| | 1 | : |
| | - | - |

| 01 | | |
|----|---|------------|
| | | : |
| | | : • |
| 03 | | : |
| 03 | | : |
| 03 | | -1 |
| 03 | | ب- |
| 03 | | ت- |
| 04 | | - |
| 04 | | : |
| 05 | | : |
| 05 | | : |
| 06 | | : |
| 07 | | - |
| 07 | | : |
| 08 | | _1 |
| 08 | | ب- |
| 08 | | - |
| 08 | | - |
| 08 | | - |
| 09 | *************************************** | - |
| 09 | | - |
| 09 | | |
| 10 | | _1 |
| 10 | | ب- |
| 11 | | : |
| 11 | | - ĺ |
| 12 | | ب- |
| 12 | | |

| 13 | : |
|----|-------|
| | : |
| 13 | |
| 14 | |
| | |

| 15 | | : |
|-----|----|------------|
| 15 | | : |
| 16 | | : |
| | | • • |
| 18 | : | _) |
| 18 | | - |
| 18 | | - |
| 19 | ' | - |
| 19 | | : |
| 20 | (| : |
| 20 | | _أ |
| 21 | | ب- |
| 22 | | : |
| 24 | | - ĺ |
| 25 | | ب- |
| 25 | | - |
| 26 | | - |
| 26 | •• | |
| | | |
| 2.5 | | |
| 27 | | |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | • |

| 32 | • |
|----|--|
| | |
| 34 | |
| 35 | : : |
| 39 | ······································ |
| 41 | : : |
| 42 | ·······::::::::::::::::::::::::::::::: |
| 43 | ······:::::::::::::::::::::::::::::::: |
| 44 | |
| | |
| 44 | |
| | |
| | |
| | |
| | |
| 44 | ······································ |
| 45 | |
| 47 | |
| 47 | |
| 49 | |
| 50 | |
| 30 | |
| | |
| | |
| | |

